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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/714,255
Filing Date	November 14, 2003
First Named Inventor	Carlo Ballatore, et al.
Group Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket No.	NB 2020.01

Total Number Of Pages In This Submission

8

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declarations	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	5 cited references and Return Postcard
<input checked="" type="checkbox"/> Information Disclosure Statement w/PTO/SB/08a & b	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Antoinette F. Konski Bingham McCutchen LLP Three Embarcadero Center, Suite 1800 San Francisco, California 94111
Signature	<i>Antoinette Konski</i>
Date	<i>Sept. 23, 2004</i>

## CERTIFICATE OF TRANSMISSION

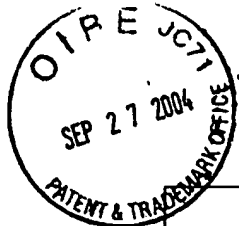
I hereby certify that this paper and all enclosures are being sent first class mail on the date indicated below to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

September 23, 2004

*Peggy Nichols*

Peggy Nichols

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I hereby certify that this paper or fee is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date listed below.

Dated: September 23, 2004

*Peggy Nichols*  
Peggy Nichols

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Carlo BALLATORE et al.

Serial No.: 10/714,255

Examiner: Not Yet Assigned

Filing Date: November 14, 2003

Group Art Unit: 1623

For: PEPTIDE DEFORMYLASE  
ACTIVATED PRODRUGS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Supplemental Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached forms PTO/SB/08a and PTO/SB/08b.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicants is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicants as such.

**I. Timing of the Information Disclosure Statement:**

This Information Disclosure Statement is filed:

- ☐ With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- ☐ Within three months after the filing date of the application (37 C.F.R. § 1.97(b) or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.

- ☒ Before the mailing date of a first Office action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. 50-2518 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).

This Information Disclosure Statement is filed:

- ☐ After the first Office Action and more than three months after the application's filing date; or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and the Commissioner is hereby authorized to charge Deposit Account No. 50-2518 for the fee (\$180) set forth in 37 C.F.R. § 1.17(p) and any additional required fees.

This Information Disclosure Statement is filed:

- ☐ After the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$180.00) set forth in 37 C.F.R. § 1.17(i)(1) and a certification as specified in 37 C.F.R. § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the Information Disclosure Statement.

The undersigned certifies that:

- ☐ Each item of information contained in the Information Disclosure Statement was first cited in any communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

## **II. Copies of the Cited Items:**

- ☐ Copies of all of the items listed on the attached forms PTO/SB/08a and PTO/SB/08b are enclosed.
- ☒ Copies of only the following items listed on the attached form PTO/SB/08b (Items 26-30) are enclosed. Copies of these items were cited in a foreign examination report in a related case. A copy of the search reports and the cited references not already of record in this application are attached hereto.
- ☒ Copies of the following documents listed in PTO/SB/08a (Item Nos. 1-7) and copies of the following documents listed in PTO/SB/08b (Item 1-25) were previously cited by the Office or submitted in Information Disclosure Statements in related application U.S. Serial No. 10/142,089 filed May 9, 2002, and accordingly, copies are not included herewith. See 37 C.F.R. § 1.98(d). The Examiner is requested to make these documents of record.

## **III. Concise Explanation of Relevance:**

- ☒ A concise explanation of relevance of the items listed on Forms PTO/SB/08 is not given.
- ☐ A concise explanation of relevance of [some of] the items listed on Form PTO/SB/08 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references (copy attached).

## **IV. Related Applications:**

- ☒ Applicants bring to the Office's attention the following related, co-pending application(s): U.S. Serial No. 10/142,089, filed May 9, 2002.

## **V. Conclusion:**

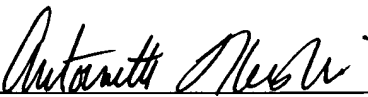
Citation of the above documents shall not be construed as:

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

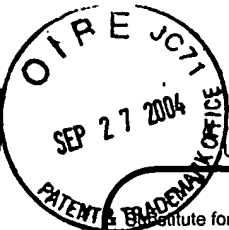
It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO/SB/08a and PTO/SB/08b with initials or other appropriate marks. The Commissioner is hereby authorized to charge Deposit Account No. 50-2518, billing reference number: 2023896-7008422002 for any additional fees required in connection with the filing of this Information Disclosure Statement.

Respectfully submitted,

Dated: September 23, 2004

By:   
Antoinette F. Konski  
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 1

**Complete if Known**

Application Number	10/714,255
Filing Date	November 14, 2003
First Named Inventor	Carlo BALLATORE et al.
Art Unit	1623
Examiner Name	Not Yet Assigned
Attorney Docket Number	NB 2020.01

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number – Kind Code <sup>2</sup> (if known)			
	1	US-6,159,706	12-12-2000	Shepard	
	2	US-6,245,750	06-12-2001	Shepard	
	3	US-6,339,151	01-15-2002	Shepard et al.	
		US-			
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		US-			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> – Number <sup>4</sup> – Kind Code <sup>5</sup> (if known)				
	4	WO 99/08110	02-18-1999	NewBiotics, Inc.		
	5	WO 99/37753	07-29-1999	NewBiotics, Inc.		
	6	WO 01/07454 A1	02-01-2001	NewBiotics, Inc.		
	7	WO 98/13059 A	04-02-1998	Squibb Bristol Myers		

Examiner's  
SignatureDate  
Considered

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

The collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2.0 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449B-PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

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of

2

## Complete if Known

Application Number

10/714,255

Filing Date

November 14, 2003

First Named Inventor

Carlo BALLATORE, et al.

Art Unit

1623

Examiner Name

Unassigned

Attorney Docket Number

NB 2020.01

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher city and/or country where published	T <sup>2</sup>
	1	APFEL, C. et al. "Hydroxamic acid derivatives as potent peptide deformylase inhibitors and antibacterial agents" (2000) <i>J. Med. Chem.</i> 43:2324-2331	
	2	APFEL, C.M. et al. "Peptide deformylase as an antibacterial drug target: Assays for detection of its inhibition in <i>escherichia coli</i> cell homogenates and intact cells" (April, 2001a) <i>Anti. Agents and Chemo.</i> 45(4):1053-1057	
	3	APFEL, C.M. et al. "Peptide deformylase as an antibacterial drug target: Target validation and resistance development" (April, 2001b) <i>Anti. Agents and Chemo.</i> 45(4):1058-1064	
	4	BECKER, A. et al. "Iron center, substrate recognition and mechanism of peptide deformylase" (1998) <i>Nat. Struct. Biol.</i> 5(12):1053-1058	
	5	CHAN, Michael K. et al. "Crystal structure of the <i>escherichia coli</i> peptide deformylase" <i>Biochem.</i> (1997) 36:13904-13909	
	6	CHEN, D.Z. et al. "Actinonin, a naturally occurring antibacterial agent, is a potent deformylase inhibitor" (2000) <i>Biochem.</i> 39(6):1256-1262	
	7	CLEMENTS, J.M. et al. "Antibiotic activity and characterization of BB-3497, a novel peptide deformylase inhibitor" (February, 2001) <i>Anti. Agents and Chemo.</i> 45(2):563-570	
	8	de GROOT, F.M.H. et al. "Synthesis and biological evaluation of 2'-carbamate-linked and 2'-carbonate-linked prodrugs of paclitaxel: selective activation by the tumor-associated protease plasmin" (2000) <i>J. Med. Chem.</i> 43:3093-3102	
	9	DUBOWCHICK, G.M. et al. (1998) Cathepsin B-sensitive dipeptide prodrugs. 1. A model study of structural requirements for efficient release of doxorubicin, <i>Bioorg &amp; Medicinal Chem. Letters</i> 8(23):3341-3346.	
	10	DURAND, D.J. et al. "Peptide deformylase inhibitors of bacterial peptide deformylases" (July 15, 1999) <i>Arch. Biochem. And Biophysics.</i> 367(2): 297-302	
	11	GIGLIONE, C. et al. "Peptide deformylase as a target for new generation, broad spectrum antimicrobial agents" (2000a) <i>Mol. Microbiol.</i> 36(6):1197-1205	
	12	GIGLIONE, C. et al. "Identification of eukaryotic peptide deformylases reveals universality of N-terminal protein processing mechanisms" <i>EMBO J.</i> (2000b) 19(21):5916-5929	
	13	HAO, B. et al. "Structural basis for the design of antibiotics targeting peptide deformylase" (1999) <i>Biochem.</i> 38(15):4712-4719	
	14	HU, Y.J. et al. "H-phosphonate derivatives as novel peptide deformylase inhibitors" (1998) <i>Bioorg Med Chem Letts.</i> 8(18):2479-2482	
	15	HUNTINGTON, K.M. et al. "Synthesis and antibacterial activity of peptide deformylase inhibitors" (2000) <i>Biochem.</i> 39(15):4543-4551	
	16	JAYASEKERA, M.M.K. et al. "Novel nonpeptidic inhibitors of peptide deformylase" (Sept. 15, 2000) <i>Arch. Biochem. &amp; Biophys.</i> 381(2):313-316	
	17	LACKEY, D.B. et al. (2001) Enzyme - catalyzed therapeutic agent (ECTA) design: activation of the antitumor ECTA compound NB 1011 by thymidylate synthase, <i>Biochem. Pharmacology</i> 61:179-189	
	18	MEINNEL, T. "Vers une conception rationnelle de nouveaux agents antibactériens" (1999) <i>Pathol. Biol.</i> 47(8):780-783	

Examiner's  
SignatureDate  
Considered

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(use as many sheets as necessary)*

Sheet	2	of	2
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**Complete if Known**

Application Number	10/714,255
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<b>Filing Date</b>	<b>November 14, 2003</b>
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First Named Inventor	Carlo BALLATORE, et al.
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Art Unit	1623
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Examiner Name	Unassigned
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Attorney Docket Number	NB 2020.01
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## NON PATENT LITERATURE DOCUMENTS

[illegible]

**Examiner's  
Signature**

Date  
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